

OCT 25 2000

PATENT

ATTORNEY DOCKET NO.: 044574-5064-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yung-Chi CHENG *et al.*

Serial No.: 09/522,055

Filed: March 9, 2000

For: HERBAL COMPOSITION PHY-906
AND ITS USE IN CHEMOTHERAPY

Group Art Unit: 1651

Examiner: Patricia Patten

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

In response to the restriction requirement mailed August 23, 2000, Applicants hereby elect, with traverse, to prosecute Group I (claims 1-4, 11, and 12) drawn to a composition comprising material from a plant species of Scutellaria, Glycyrrhiza, Ziziphus, and Paeonia with a chemotherapeutic compound and a method for treating a disease with such a composition. This response is being timely filed with a one-month extension of time.

Applicant is reminded that once a product claim is found allowable, withdrawn process claims which depend from or otherwise include the limitations of the allowable product claim must be rejoined (MPEP §821.04).

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of

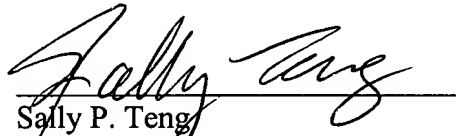
time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Date: October 20, 2000

By:


Sally P. Teng
Reg. No. 45,397

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